



U.S. District Court for the Southern District of Mississippi, Case 1:15-cv-00382-HSO-JCG

Declaration of Charles L. Leary

— Relevant to Motion and Opposition —

1. I am Charles L. Leary, a United States citizen currently resident in Nova Scotia. I reside at 140 Trout Point Road, East Kemptville, Yarmouth County, Nova Scotia.
2. I received my M.A. and Ph.D. degrees from Cornell University. I am a director of Trout Point Lodge, Limited, and was formerly the Secretary of Trout Point Lodge, Limited, including during the period 2012-2014. I have been a Managing Director of Trout Point since it opened in 2000.
3. On or around February 2, 2012, *Toronto Star* journalist Richard Brennan contacted Trout Point Lodge for a story on a legal victory over Douglas Handshoe in Nova Scotia Supreme Court. I spoke with Mr. Brennan. Mr. Brennan asked me for a photograph or photographs of Vaughan Perret and myself for the newspaper to use with the story.
4. I called on Trout Point Lodge employee Kara Crowell to take some photographs of Mr. Perret and myself. Ms. Crowell was acting as a Lodge employee when she took the photographs.
5. I then supplied the photographs, via email, to Mr. Brennan the same day. A true copy of the email containing the photograph at issue in this case is attached hereto as Exhibit "A".
6. The newspaper used the photograph both in the print and web editions of the story.
7. On behalf of Trout Point Lodge, I authorized *The Star* to use the photographs for that story, but did not assign copyright in the photographs to *The Toronto Star* or Torstar Corporation.
8. I have read the Terms and Conditions of the Toronto Star web site on a few occasions. The Terms and Conditions in effect in May, 2013, which say they were written on November 9, 2012, are attached hereto as Exhibit "B".
9. I have watched the YouTube video made by Douglas Handshoe that uses the photograph of Mr. Perret and myself published by the Toronto Star on February 2, 2012. I took a screen shot of the Slabbed video publishing that photograph in its entirety, which is attached hereto as Exhibit "C". The web version of the Toronto Star story is also attached hereto as Exhibit "D".

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 27, '18 (date).

Charles L. Leary
Charles L. Leary (signature)